

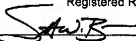
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Scott W. Brim, Reg. No. 51,500

Name of Applicant, Assignee or
Registered Representative

Signature



Our Case No. 8285/669

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gloria Jean Navarre et al.

Serial No.: 10/767,411

Filing Date: January 27, 2004

For: System and Method for Executing
a Request from a Client
Application

Examiner: Kim, Paul

Group Art Unit No.: 2161

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Notice of Panel Decision from Pre-Appeal Brief Review mailed Nov. 5, 2007, Applicant respectfully appeals the final rejection entered by the Examiner and provide this Appeal Brief in support thereof. The fee required under 37 CFR §§ 41.20(b)(2) and 41.37(a)(2) is included herewith.

I. Real Party in Interest

AT&T Knowledge Ventures, L.P. is the real party in interest.

II. Related Appeals and Interferences

None.

III. Status of Claims

Claims 1-20 are pending, stand rejected, and are the subject of this appeal.

IV. Status of Amendments

Applicants have not filed any amendments subsequent to the final rejection..

V. Summary of Claimed Subject Matter

The current application discloses methods and systems for executing a request from a client application. Each of the claims described below stands on its own.

Independent claim 1 is directed to a method for executing a request from a client application. Specifically, claim 1 recites transmitting a set of data access transactions to respective applications. (See Page 3, lines 21-22; Page 4, lines 17-18). At least some of the set of data access transactions comprise a first optional data item, and the respective applications process the set of data access transactions even when the respective transactions do not recognize the first optional data item. (See Page 4, line 31 – Page 5, line 2; Page 6, lines 9-11). Claim 1 further recites integrating the set of responses received from the respective applications. (See Page 3, lines 24-25).

Dependent claim 9, which depends on claim 1, recites computing a fee for using the respective applications by accessing a user profile database. (See Page 6, lines 29-31).

Independent claim 10 is directed to a system for executing a request from a client application. The system comprises a plurality of applications and a processor. The processor is in communication with the plurality of applications and is operative to transmit a series of data access transactions to the respective applications. (See Page

3, lines 21-22; Page 4, lines 17-18). The processor is further operative to integrate a set of responses to the set of data access transactions from the respective applications. (See Page 3, lines 24-25).

At least some of the set of data access transactions comprise a first optional data item. (See Page 4, line 31 – Page 5, line 2; Page 6, lines 9-11). The plurality of applications are operative to process the set of data access transactions even when the plurality of applications do not recognize the first optional data item. (See Page 4, line 31 – Page 5, line 2; Page 6, lines 9-11).

Dependent claim 19, which depends on claim 10, recites that the processor is further operative to compute a fee for using the respective applications by accessing a user profile database. (See Page 6, lines 29-31).

Independent claim 20 is directed to a computer-readable storage medium comprising a set of instructions to direct a processor to perform acts. The acts include transmitting a set of data access transactions to respective applications. (See Page 3, lines 21-22; Page 4, lines 17-18). At least some of the set of data access transactions comprise a first optional data item, wherein the respective applications process the set of data access transactions even when the respective applications do not recognize the first optional data item. (See Page 4, line 31 – Page 5, line 2; Page 6, lines 9-11). The acts further include integrating the set of responses received from the respective applications. (See Page 3, lines 24-25).

VI. Grounds of Rejections to Be Reviewed on Appeal

1. Claims 1-19 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over U.S. Pat. No. 6,442,611.

2. Claims 1-8, 10-18, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,634,127 ("Cloud") in view of U.S. Pat. No. 6,732,101 ("Cook").

3. Claims 9 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cloud in view of Cook and U.S. Pat. No. 5,819,092 ("Ferguson").

VII. Argument

A. Double Patenting Rejection

Claims 1-19 were rejected under the judicially created doctrine of double patenting as being unpatentable over U.S. Pat. No. 6,442,611. Upon a determination that the pending claims are allowed absent the double patenting rejection, Applicants will file a terminal disclaimer to overcome the double patenting rejection.

B. Cook Is Not Prior Art to the Present Application

The present application was filed January 27, 2004, and is a continuation application of U.S. Pat. No. 6,718,389, filed Aug. 7, 2002, which is a continuation application of U.S. Pat. No. 6,442,611, filed Nov. 20, 2000, which is a continuation application of U.S. Pat. No. 6,205,482, filed Feb. 19, 1998. Accordingly, the present application is entitled to a priority date of **Feb. 19, 1998**.

Independent claims 1, 10, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cloud in view of Cook. Cook was filed on **June 15, 2000**, and does not claim priority to any earlier-filed applications. Because the priority date of Cook is after the priority date of the current application, the rejections under 35 U.S.C. § 103(a) including Cook cannot be maintained. Accordingly, Applicants request that the rejections under 35 U.S.C. § 103(a) including Cook be removed.

C. Rejection of Claims 1-9 Under 35 U.S.C. § 103(a) as Being Unpatentable Over Combinations of Cloud, Cook, and Ferguson

Independent claim 1 recites transmitting a set of data access transactions to respective applications, wherein at least some of the set of data access transactions comprise a first optional data item, and wherein the respective applications process the set of data access transactions even when the respective applications do not recognize the first optional data item. The Examiner has admitted that Cloud fails to teach the use of optional data items. In an effort to cure the deficiency, Cook was cited. However, Cook fails to teach the elements for which it was cited.

Cook is directed to a secure message forwarding system that detects user preferences such as security preferences. With respect to the passages of Cook cited by the Examiner, Cook teaches a system that may decrypt a message and verify a

sender's signature. Additionally, the system may optionally perform actions such as verifying a time stamp, verifying an authenticity of a server's public key, or retrieving a status of a sender's public key. While Cook may teach performing optional operations, Cook fails to teach processing data even when an application does not recognize an optional data item as recited in claim 1. In fact, the passages of Cook cited by the Examiner contain no mention of an application not recognizing an optional data item.

In the final Office Action, the Examiner asserts that in Cook, when an application continues to process data when a public key is invalid or un-locatable, it is the same as processing data when a data item is not recognizable. Applicants respectfully disagree. When an application continues to process a public key that is invalid, the application has recognized the data as a public key but has determined its value is not valid. Therefore, it is not that the data item is not recognizable but that the data is determined to not be correct. Similarly, when an application continues to process data even though a public key is un-locatable, the application continues to process data even though it has not found a set of data it was looking for. Again, it is not that a data item is not recognizable but that the data the application is looking for cannot be found.

Independent claim 1 recites that a respective application processes a set of data transactions even when an application does not recognize a data item. In this case it is not that an application determines the value of a data item is not correct, or that an application cannot locate a data item, but that the application has encountered a data item that the application does not recognize.

Because Cook fails to teach applications processing a set of data access transactions even when the applications do not recognize an optical data item, the proposed combinations of Cloud, Cook, and Ferguson as contemplated by the Examiner necessarily do not render independent claim 1, or any claim that depends on claim 1, unpatentable. Accordingly, Applicants request that the rejections to claims 1-9 under 35 U.S.C. § 103(a) be removed.

D. Rejection of Claims 10-19 Under 35 U.S.C. § 103(a) as Being Unpatentable Over Combinations of Cloud, Cook, and Ferguson

Independent Claim 10 recites a system wherein a plurality of applications are operative to process a set of data access transactions even when the plurality of applications do not recognize a first optional data item. The Examiner has admitted that Cloud fails to teach the use of optional data items. In an effort to cure the deficiency, Cook was cited. However, as discussed above in conjunction with independent claim 1, while Cook may teach an application performing optional operations, Cook fails to teach applications processing a set of data access transactions even when the applications do not recognize an optional data item as asserted by the Examiner. For at least this reason, the proposed combinations of Cloud, Cook, and Ferguson as contemplated by the Examiner necessarily do not render independent claim 10, or any claim that depends on claim 10, unpatentable. Accordingly, Applicants request that the rejection to claims 10-19 under 35 U.S.C. § 103(a) be removed.

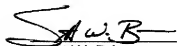
E. Rejection of Claim 20 Under 35 U.S.C. § 103(a) as Being Unpatentable Over Cloud In View of Ferguson

Independent Claim 20 recites transmitting a set of data access transactions to respective applications, wherein at least some of the set of data access transactions comprise a first optional data item, and wherein the respective applications process the set of data access transactions even when the respective applications do not recognize the first optional data item. The Examiner has admitted that Cloud fails to teach the use of optional data items. In an effort to cure the deficiency, Cook was cited. However, as discussed above in conjunction with independent claim 1, while Cook may teach performing optional operations, Cook fails to teach processing data even when an application does not recognize an optional data item as asserted by the Examiner. For at least this reason, the proposed combinations of Cloud and Cook as contemplated by the Examiner necessarily do not render independent claim 20 unpatentable.

VIII. Conclusion

For the reasons set forth above, Applicants respectfully submit that all of the pending claims are patentable over the applied references. Accordingly, Applicants respectfully request removal of the pending rejections.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "S.W. Brim", is written over a horizontal line.

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IX. Claims Appendix

1. (Original) A method comprising:
 - (a) transmitting a set of data access transactions to respective applications, wherein at least some of the set of data access transactions comprise a first optional data item, and wherein the respective applications process the set of data access transactions even when the respective applications do not recognize the first optional data item; and
 - (b) integrating the set of responses received from the respective applications.
2. (Original) The method of claim 1 further comprising, before (a), receiving a request from a second application, the second application being different from the respective applications.
3. (Original) The method of claim 2, wherein the request is transmitted by the second application in response to user initiation.
4. (Original) The method of claim 2, wherein the request is transmitted by the second application in response to intelligent agent software initiation.
5. (Original) The method of claim 2, wherein the request is transmitted by the second application using a web browser.
6. (Original) The method of claim 2 further comprising automatically identifying the set of data access transactions from the request.
7. (Original) The method of claim 1 further comprising returning the integrated set of responses to a second application, the second application being different from the respective applications.

8. (Original) The method of claim 1 further comprising:
receiving user identification information from a second application, the second application being different from the respective applications; and
verifying the received user identification information by accessing a user profile database.
9. (Original) The method of claim 1, further comprising computing a fee for using the respective applications by accessing a user profile database.
10. (Original) A system comprising:
a plurality of applications; and
a processor in communication with the plurality of applications, the processor being operative to transmit a set of data access transactions to the respective applications and integrate a set of responses to the set of data access transactions from the respective applications;
wherein at least some of the set of data access transactions comprise a first optional data item, and wherein the plurality of applications are operative to process the set of data access transactions even when the plurality of applications do not recognize the first optional data item.
11. (Original) The system of claim 10 further comprising a second application in communication with the processor, the second application being different from the plurality of applications.
12. (Original) The system of claim 11, wherein the second application is operative to transmit a request to the processor.
13. (Original) The system of claim 12, wherein the second application is operative to transmit the request in response to user initiation.

14. (Original) The system of claim 12, wherein the second application is operative to transmit the request in response to intelligent agent software initiation.

15. (Original) The system of claim 12, wherein the second application is operative to transmit the request in response to user interaction with a web browser.

16. (Original) The system of claim 12, wherein the processor is further operative to automatically identify the set of data access transactions from the request.

17. (Original) The system of claim 11, wherein the processor is further operative to return the integrated set of responses to the second application.

18. (Original) The system of claim 10, wherein the processor is further operative to receive user identification information from a second application and verify the received user identification information by accessing a user profile database, the second application being different from the plurality of applications.

19. (Original) The system of claim 10, wherein the processor is further operative to compute a fee for using the respective applications by accessing a user profile database.

20. (Previously Presented) A computer-readable storage medium comprising a set of instructions to direct a processor to perform acts of:

transmitting a set of data access transactions to respective applications, wherein at least some of the set of data access transactions comprise a first optional data item, and wherein the respective applications process the set of data access transactions even when the respective applications do not recognize the first optional data item; and integrating the set of responses received from the respective applications.

X. Evidence Appendix

None.

XI. Related Proceedings Appendix

None.